

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:
Jose Alonzo Martinez - Lemus
Dora n/m/n Vargas

CHAPTER 13 PLAN

Dated September 1, 2004

DEBTOR
*In a joint case,
debtor means debtors in this plan.*

Case No. 04-32748

1. PAYMENTS BY DEBTOR -

- a. As of the date of this plan, the debtor has paid the trustee \$ 943.00.
- b. After the date of this plan, the debtor will pay the trustee \$ 315.00 per Month for 45 months, beginning within 30 days after the filing of this plan for a total of \$ 14,175.00.
- c. The debtor will also pay the trustee _____
- d. The debtor will pay the trustee a total of \$ 15,118.00 [line 1(a) + line 1(b) + line 1(c)].

- 2. PAYMENTS BY TRUSTEE -** The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10% for a total of \$ 1,511.80 (line 1(d) x .10) or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

- 3. PRIORITY CLAIMS -** The trustee shall pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates only. the trustee will pay the amounts actually allowed.

<i>Creditor</i>	<i>Estimated Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. Attorney Fees	<u>\$1,250.00</u>	<u>\$ 125.50</u>	<u>1</u>	<u>10</u>	<u>\$ 1,250.00</u>
b. _____	<u>\$ _____</u>	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
c. _____	<u>\$ _____</u>	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
d. _____	<u>\$ _____</u>	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
e. TOTAL					<u>\$ 1,250.00</u>

- 4. LONG-TERM SECURED CLAIMS NOT IN DEFAULT -** The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

- a. _____
- b. _____

- 5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] -** The trustee will cure defaults on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	<u>\$ _____</u>	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
b. _____	<u>\$ _____</u>	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
c. _____	<u>\$ _____</u>	<u>\$ _____</u>	<u>_____</u>	<u>_____</u>	<u>\$ _____</u>
d. TOTAL					<u>\$ _____</u>

- 6. OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322(b)(5)]** - The trustee will cure defaults on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimated only. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
b. _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
c. _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
d. TOTAL					\$ _____

- 7. OTHER SECURED CLAIMS [§ 1325(a)(5)]** - The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. § 506(a).

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. Americredit	\$ 7932.00	\$ 7,905.00	\$158.50 / 274.80	1 / 11	33	\$ 9,070.16
b. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
d. TOTAL						\$ 9,070.16

- 8. SEPARATE CLASS OF UNSECURED CREDITORS** - In addition to the class of unsecured creditors specified in ¶ 9, there shall be a separate class of nonpriority unsecured creditors described as follows: _____

- a. The debtor estimates that the total claims in this class are \$ _____.
- b. The trustee will pay this class \$ _____.

- 9. TIMELY FILED UNSECURED CREDITORS** - The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 5, 6, 7 and 8 their pro rata share of approximately \$ 3,286.04 [line 1(d) minus lines 2, 3(e), 5(d), 7(d), and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$ 27.00.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$ 25,113.00.
- c. Total estimated unsecured claims are \$ 25,140.00 [line 9(a) + line 9(b)].

- 10. TARDILY-FILED UNSECURED CREDITORS** - All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 5, 6, 7, 8 or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

- 11. OTHER PROVISIONS** - The trustee may distribute funds not specifically set forth herein at her discretion. Property tax claims shall be paid per the filed claim, whether filed as secured or priority. Funds designated for municipal water, sewer and garbage claims may be distributed to the County where the municipality is, if these claims are part of the County's claim.

12. SUMMARY OF PAYMENTS -

Trustee's Fee [Line 2]	\$ 1,511.80
Priority Claims [Line 3(e)]	\$ 1,250.00
Home Mortgage Defaults [Line 5(d)]	\$ 0.00
Long-Term Debt Defaults [Line 6(d)]	\$ 0.00
Other Secured Claims [Line 7(d)]	\$ 9,070.16
Separate Class [Line 8(b)]	\$ 0.00
Unsecured Creditors [Line 9]	\$ 3,286.04
TOTAL [must equal Line 1(d)]	\$ 15,118.00

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Barbara N. Nevin, (79261)
Milavetz, Gallop & Milavetz, P.A.
6500 France Avenue South
Edina, Minneapolis, 55435
(952) 920-6165

Signed /s/ Jose Alonzo Martinez - Lemus
DEBTOR

Signed /s/ Dora n/m/n Vargas
DEB TOR (if joint case)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re: Jose Alonzo Martinez - Lemus
Dora n/m/n Vargas

Case No. 04-32748

NOTICE OF HEARING

TO: Debtors, The Chapter 13 Trustee, the U.S. Trustee, and other parties in interest.

YOU WILL PLEASE TAKE NOTICE, that on the 9th day of September, 2004, at 10:30 a.m. or as soon after a counsel can be heard, before the U. S. Bankruptcy Court, 200 Federal Building, 316 North Robert Street, St. Paul, Courtroom 228a. The Debtors move the Court for the relief requested below and gives notice of hearing.

1. Any objection to the Plan must be filed and delivered not later than September 8, 2004, which is 24 hours before the time set for the hearing, or filed and served by mail not later than September 6, 2004, which is three days before the time set for the Hearing.

2. The Petition commencing this Chapter 13 case was filed May 6, 2004. The case is now pending in this Court. This Court has jurisdiction over this Hearing pursuant to 28 U.S.C. §§1334 and 157(a), Local Rule 201, and applicable rules. This is a core proceeding.

3. Debtors request the confirmation of the modified plan dated A copy of the plan is annexed hereto.

4. Plan will satisfy all secured creditors.

WHEREFORE, the undersigned moves this Court for an Order confirming the Modified Chapter 13 Plan and for such other relief as may be just and equitable.

MILAVETZ, GALLOP & MILAVETZ, P.A.

Dated: August 30, 2004

/s/
Barbara N. Nevin (79261)
Milavetz, Gallop & Milavetz, P.A.
6500 France Avenue South
Edina, MN 55435
(952) 920- 6165

AFFIDAVIT

[illegible]

Darci-Jo King, being duly sworn, says that she is an employee of Milavetz, Gallop & Milavetz, P.A., 6500 France Avenue South, Edina, Minnesota, 55435.

That on the 30th day of August , 2004, a copy of Notice of Hearing and Modified Chapter 13 Plan was mailed by first class mail, postage prepaid, to the following persons at the addresses shown:

See attached list

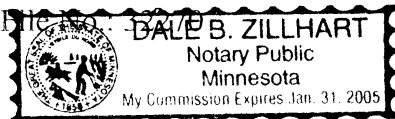
MILAVETZ, GALLOP & MILAVETZ, P.A.

Darci-Jo King
Darci-Jo King

Subscribed and sworn to before me

this 30th day of August, 2004.

Dale B. Jellert
Notary Public



Americredit
Attn: AmeriCredit Department
PO Box 183853
Arlington, TX 76096

Arrow Financial Service
P.O. Box 469005
Chicago IL 60646

Bankfirst
2500 West 49th Street
Sioux Falls SD 57105

Brownsville Medical Center
1040 West Jefferson St.
Brownsville TX 78520

Check Rite Ltd.
P.O. Box 661068
Chicago IL 60666-1068

Cross Country Bank
P.O. Box 10001
Huntington WV 25770

Gulf Coast Collection
1220 Blalock Road, #115
Houston TX 77055

Millenium Credit Con.
P.O. Box 18160
Saint Paul MN 55118

North Fulton Regional Hospital
3000 Hospital Blvd.
Roswell GA 30076

Providian
P.O. Box 21550
Dallas TX 75266-0567

Retailers National Bank
Post Office Box 59317
Minneapolis MN 55459

Sherman Acquisition
P.O. Box 740281
Houston TX 77274

Anderson Fin Network Inc.
P.O. Box 3427
Bloomington IL 61702

AT&T Broadband
P.O. Box 173885
Denver CO 80217

Best Buy
P.O. Box 5238
Carol Stream IL 60197-5238

Central Financial Control
P.O. Box 14059
Orange CA 92863

Circuit City
P.O. Box 100045
Kennesaw GA 30156

First North American National Bank
Post Office Box 100044
Kennesaw GA 30156-9244

Household Bank
P.O. Box 5222
Carol Stream IL 60197-5222

NCO Tanner Emergency Physician
705 Dixie Street
Carrollton GA 30117

Port Folio Recovery
500 West 1st Avenue
Hutchinson KS 67501

Reliance Recoveries
6160 Summit Drive, Suite 420
Brooklyn Center MN 55430-2149

Sears
P.O. Box 182532
Columbus OH 43218-2532

Southwest Credit Systems
2629 Dickerson Parkway
Carrollton TX 75007

Sprint PCS
P.O. Box 219554
Kansas City MO 64121-9554

Ms. Jasmine Z. Keller
12 S. 6th Street, #310
Minneapolis, MN 55402

Inovision MEDCLR NCOP F LLC

United States Trustee
US Courthouse Room 301
300 South 4th Street
Minneapolis, MN 55415

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Jose Alonzo Martinez - Lemus

Dora n/m/n Vargas

SIGNATURE DECLARATION

Debtor(s).

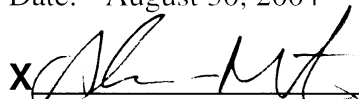
Case No. 04-32748

- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (Please describe: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, ***make the following declarations under penalty of perjury:***

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: August 30, 2004

x 
Signature of Debtor or Authorized Representative

Jose Alonzo Martinez - Lemus
Printed Name of Debtor or Authorized Representative

x 
Signature of Joint Debtor

Dora n/m/n Vargas
Printed Name of Joint Debtor